

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEE ARTERS T/A GREENDALE BUILDERS	:	CIVIL ACTION – LAW
	:	
Plaintiff,	:	
v.	:	NO. 02-CV-4388
	:	
ZURICH AMERICAN INSURANCE CO. t/a, ZURICH NORTH AMERICA as successor in Interest to ASSURANCE CO. OF AMERICA	:	
	:	JURY OF TWELVE (12)
	:	DEMANDED
and	:	
	:	
ASSURANCE CO. OF AMERICA	:	
	:	
Defendants.	:	

**DEFENDANTS' ANSWER TO
PLAINTIFF'S MOTION FOR RECONSIDERATION**

Defendants Zurich American Insurance Co. t/a Zurich North America, improperly named, and Assurance Company of America, by their attorneys, Hecker Brown Sherry and Johnson LLP, hereby respond to plaintiff's Motion for Reconsideration as follows:

1. The Court's Order and accompanying Memorandum entered on November 20, 2003, being in writing, speak for themselves and any characterization thereof by plaintiff is denied. It is admitted, however, that the Court's Order and Memorandum denied relief to plaintiff.

2. Denied.

3. Denied.

4. Denied.

5. Denied.

6. Denied.

7. Denied.

8. The allegations of paragraph 8 constitute conclusions of law as to which no response is required. By way of further response, plaintiff's allegation that the Court is "virtually mandated to vacate the November 20, 2003 Order and grant the Plaintiff's Motion for partial Summary Judgment" is specifically denied.

WHEREFORE, defendants Zurich American Insurance Co. t/a Zurich North America, improperly named, and Assurance Company of America respectfully request that an Order be entered denying plaintiff's Motion for Reconsideration.

HECKER BROWN SHERRY AND JOHNSON LLP

BY: _____

Carl H. Delacato, Jr.
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Attorneys for Defendants
Zurich American Insurance Co. t/a Zurich North
America (improperly named) and Assurance Co. of
America

Dated: December 22, 2003